CONSTITUTION

OF THE

HUDOTL'EEKKAAKK'E TRIBE

Hughes, Alaska

Hudotl'eekkaakk'e Tribe
Hughes Village Council
P.O. Box 45029
Hughes, AK 99745

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PREAMBLE

We the Hudotl'eekkaakk'e people, assert our freedom as a sovereign people in a historic relationship with the United States of America, in creating this Tribal Constitution. We adopt this Constitution to exercise the Tribe's inherent sovereign rights and powers in promoting the well-being and unity of this and succeeding generations, to affirm our faith in fundamental Native rights and traditions, and to promote our Tribe's social, cultural, economic, and political progress. We adopt this Constitution under the inherent sovereign authority of our Tribe. This Constitution shall supersede any previously adopted Constitution and By-Laws of the Hughes Village Council.

ARTICLE 1 – NAME

The name of this Tribe shall be the Hudotl'eekkaakk'e Tribe, formally known as the "Hughes Village" on the list of federally recognized tribes.

ARTICLE 2 –TERRITORY

The territorial jurisdiction of the Hudotl'eekkaakk'e Tribe shall extend to all lands and waters constituting the Indian country of the Hudotl'eekkaakk'e Tribe as defined by federal and tribal law. To the extent not inconsistent with federal law, such lands and waters shall include, but are not limited to all lands and waters owned by the Tribe, and, to all lands and waters customarily and traditionally governed by the Hudotl'eekkaakk'e people, including lands selected for Hughes by Hudotl'eekkaakk'e, Inc. under the Alaska Native Claims Settlement Act 43 U.S.C. 1601 et. seq., all lands within the townsite of Hughes as described in U.S. Survey 3720, Alaska, and all fee lands and allotments within the traditional lands of Hughes, regardless of the issuance of any patent or unrestricted fee title to any such lands.

ARTICLE 3 – MEMBERSHIP

Section 1. Base Membership Roll. The base membership of the Hudotl'eekkaakk'e Tribe shall consist of all Alaska Native whose names appear on the base membership roll adopted by the Hudotl'eekkaakk'e Tribal Council at the passage of this Constitution, provided that the Council may correct the base membership roll within two years following the adoption of this Constitution.

Section 2. Descendants of Members. Lineal descendants of members on the base membership roll are automatically eligible to be members of the Hudotl'eekkaakk'e Tribe subject to the provisions of this Constitution and to ordinances enacted pursuant to this Constitution.

Section 3. Adoption of Members. The Tribal Council shall have the option to adopt Alaska Natives or American Indians who set up residence in Hughes and are not descendants of members listed on the base roll, according to the provisions of an enrollment ordinance.

Section 4. Dual Enrollment. Dual enrollment shall be permitted provided that any dividends paid by the Tribe from Tribal profit-making operations, may be restricted to resident Tribal members who are solely enrolled to the Hudotl'eekkaakk'e Tribe or to resident Tribal members.

Section 5. Tribal Services to Members. Tribal services may be prioritized to first serve the needs of the Tribal residents of Hughes.

Section 6. Membership and Enrollment Ordinances. The Tribal Council shall have the power to enact ordinances and resolutions, not inconsistent with this Constitution, prescribing rules and regulations governing membership, including application and appeal procedures, maintenance of the membership roll, loss of membership, relinquishment of membership, dividend distribution, Tribal service delivery, and adoption of members.

ARTICLE 4 – GOVERNING BODY

Section 1. Name. The governing body of the Hudotl'eekkaakk'e Tribe shall be the Hudotl'eekkaakk'e Tribal Council, also referred to as the Council or Tribal Council in this Constitution. The Council shall represent the Tribe and shall exercise the powers of the Tribe cited in this Constitution unless otherwise provided by this Constitution or by Tribal ordinance.

Section 2. Composition. The Hudotl'eekkaakk'e Tribal Council shall consist of seven (7) members who shall be elected by a majority vote of the qualified voters casting their ballots in such an election. All seven (7) Council members shall be entitled to vote, except in cases of conflict of interest.

Section 3. Officers. The officers of the Council shall include a First Chief, Second Chief, and Secretary/Treasurer. The officers shall be chosen by the Council.

Section 4. Qualifications for Tribal Council Office. Tribal members who are 18 years of age or older and who have resided in Hughes for at least 6 months prior to the election, are eligible to hold a position on the Tribal Council.

Section 5. Quorum. Four (4) Tribal Council members shall constitute a quorum for the transaction of business at any meeting of the Tribal Council, unless a larger number is specifically required by this Constitution or by tribal ordinance.

Section 6. Terms of Office. Tribal Council members shall hold office for a term of three (3) years, provided that shorter terms may be used to initiate staggering.

Section 7. Conflict of Interest. No Council member shall vote on any matter, including but not limited to employment contracts, project funding, project allocations, and appointments to Tribal committees, in which he or she has a personal interest. A personal interest includes involvement of his or her spouse or children. Council members present when such an issue is decided shall reveal such conflicts prior to any vote.

ARTICLE 5 – DUTIES OF OFFICERS

Section 1. Assuming Duties. Newly elected officers shall assume their duties immediately upon being elected.

Section 2. First Chief. The First Chief shall preside over meetings of the Council and of the Tribe. The First Chief shall provide general supervision for the affairs of the Tribal Council. The First Chief shall sign, with either the second Chief or Secretary/Treasurer, all contracts, leases and other significant documents except checks, as approved by a quorum of the Council. Checks shall be signed by two Tribal members as delegated by the officers of the Constitution. When the Council is not in session, the First Chief shall be the official representative of the Tribe.

Section 3. Second Chief. The Second Chief shall assist the First Chief when called upon to do so. In absence of the First Chief, the duties of the Second Chief shall be the same as those of the First Chief.

Section 4. Secretary/Treasurer. The Secretary/Treasure shall preside at tribal Council or general Tribal meetings in the absence of the First and Second Chiefs. The Secretary/Treasurer shall take or delegate the taking of minutes of all meetings. The Secretary/Treasurer shall issue or delegate the duty of issuing notices of all meetings and elections. The Secretary/Treasurer shall carry out the financial directives of the Council, receive all monies and keep accurate account of the receipts and disbursements, except when these duties are otherwise delegated by the Council. The Secretary/Treasurer shall give a financial report as requested by the Council. Upon vacating his or her office, the Secretary/Treasurer shall turn over all the records and papers in his or her possession to his or her successor to the Council.

ARTICLE 6 – MEETINGS

Section 1. Regular Meetings of the Tribal Council. Regular meetings of the Council shall be held monthly: the time, place and date to be designated by the Council. Notice of meetings shall be posted prior to meetings in public places in Hughes. All regular meetings shall be open to the general tribal membership.

Section 2. Special Meetings. A quorum of the Council or the Chief may call a special meeting upon giving at least twenty-four (24) hours notice to tribal members. Notice shall be posted in public places in the village.

Section 3. Emergency Meetings. The Council may meet for an emergency meeting without notice only when emergency circumstances warrant such a meeting.

Section 4. Executive Session. The Tribal Council may move to meet in a closed executive session during regular, special, or emergency meetings of the Tribal Council when the subject matter concerns child welfare, personnel, litigation, and other matters made confidential by tribal ordinance.

Section 5. Tribal Membership Meetings.

A. Tribal membership meetings may be called by the First Chief or by a quorum of Tribal Council Members.
B. Tribal membership meetings may also be held by assembling a quorum of fifty percent (50%) of the qualified tribal voters.
C. Notice for any Tribal membership meetings shall be posted in public places in Hughes prior to any such meetings.

ARTICLE 7 – REMOVAL, RECALL, FORFEITURE, AND VACANCIES

Section 1. Removal. Any member of the Tribal Council found guilty by the Tribal Council of neglect of duty, gross misconduct in office, or an offence involving dishonesty may be removed from office by the Tribal Council by at least five (5) affirmative voles. Tribal Council members voting in favor by secret ballot, provided, that such member shall first be given ten (10) days notice in writing of the charges against him or her and be given an opportunity to answer such charges before the Tribal Council. If the person subject to removal fails to appear before the Council, the Council shall proceed with the vote as scheduled. No member of the Tribal Council shall preside over the meeting at which

his or her removal is being considered. All questions of removal under this Section shall be resolved by Tribal Council and the decision of the Tribal Council shall be final.

Section 2. Recall. Any member of the Tribal Council may be recalled by the Tribal voters through a petition and election process. A valid petition requesting such recall, signed by at least fifty percent (50%) of the qualified voters, shall be presented to the Tribal Council. The Tribal Council shall call a special election to consider the recall of the named Tribal Council member within thirty (30) days upon receiving the petition, in accordance with Article, Section 8, Section 4. If the majority of the voters vote in favor of the recall, the official shall be removed. No official may be subjected to recall proceedings more than once in the course of his or her term. If the Council fails to call a special election to consider the recall, the tribal membership may hold a tribal membership meeting to conduct the recall election according to the provisions of Article 6, Section5 (B).

Section 3. Forfeiture. Any member of the Tribal Council who submits a written resignation, is convicted of a felony involving an offense of moral turpitude while in office, or is absent from three successive regular meetings of the Tribal Council without being excused by the Council shall automatically forfeit his or her office.

Section 4. Vacancies. Any vacancy, including officer positions, in the Tribal Council shall be filled by appointment by the remaining members of the Tribal Council. A Tribal Council member appointed to fill vacancy shall serve out the unexpired portion of the term of the person he or she is replacing.

ARTICLE 8 – ELECTIONS

Section 1. Voter Qualifications. Any Tribal member of the Hudotl'eekkaakk'e Tribe, eighteen (18) years of age or older, who has resided in Hughes for at least 6 months prior to an election, shall be qualified to vote.

Section 2. General Guidelines for Elections. All elections shall be conducted by secret balloting. The outcome of an election shall be determined by a simple majority of the qualified voters casting their votes during the election unless otherwise specified in this Constitution or by ordinance.

Section 3. Tribal Council Elections. Elections for Tribal Council positions shall be held in October. The Tribal Council shall set the date and shall give at least two (2) weeks notice of such elections. Notice shall be posted in public places in Hughes to such elections.

Section 4. Special Elections. The Council may, by resolution, call a special election for the purposes of deciding a referendum, initiative, or recall, upon giving at least two (2) weeks notice the Tribal members. Notice shall be posted in public places in Hughes.

Section 5. Election Committee. The Council shall appoint an election committee of at least three members to supervise, administer, and conduct all tribal elections. The election committee shall certify the election of tribal officials. Candidates for Tribal Council positions shall not serve on the election committee for that particular election.

Section 6. Election Ordinance. An election ordinance, consistent with this Constitution, may be adopted by the Council which shall set forth the procedures to be followed in conducting each of the various types of elections called for in this Constitution.

ARTICLE 9 – POWERS OF THE HUDOTL'EEKKAAKK'E TRIBAL COUNCIL

Section 1. General Powers. Except as specifically limited by this Constitution or by tribal ordinance, the powers of the Tribe shall be exercised by the Council. The powers shall include all the inherent powers of a federally recognized Tribe, which do not violate federal law, including but not limited to those specified in this Article.

Section 2. Internal Procedures. Consistent with this Constitution, the Council may enact ordinance to govern its internal procedures and organization and to further define the duties of tribal officers.

Section 3. Tribal Council Powers. In addition to all powers vested in the Tribe or the Tribal Council by existing law and this Constitution, the Tribe acting through the Council, shall have the following powers.

a. To consult, negotiate, contract, oversee, or conclude agreements with and make recommendations to federal, state, local, and tribal governments on activities which may affect the Hudotl'eekkaakk'e Tribe.
b. To promote and protect the peace, health, education, and general welfare of the members of the Tribe, and to administer services that contribute to the social and economic development of the Tribe and its members
c. To levy and collect taxes, fees, and assessments for tribal purposes.
d. To encourage, guard and foster tradition cultural practices of the Hudotl'eekkaakk'e people, including the arts, crafts, religion, language, and customs of the Native people of Hughes.

e. To prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Hudotl'eekkaakk'e Tribe, otherwise known as Hughes Village in the list of federally recognized Indian Tribes.

f. Except as limited by Article 10 of this Constitution, to manage, sell, lease, exchange, acquire, or otherwise deal with tribal or other property.

g. To acquire property and accept gifts.

h. To administer tribal assets including funds and manage all economic affairs and enterprises of the Tribe.

i. To engage in tribal economic development enterprises for the benefit of Tribal members.

j. To provide for the maintenance of law and order and the administration of justice, including the establishment of appropriate Tribal courts or other judicial bodies.

k. To charter enterprises, corporations, and associations for the benefit of Tribal members.

l. To enact ordinances consistent with this Constitution for the conduct and administration of all tribal functions.

m. To regulate inheritance among members whether by intestacy or otherwise.

n. To administer any funds within the control of the Tribe.

o. To regulate child custody and other domestic relations among members

p. To protect and preserve the wildlife and natural resources within the areas under the jurisdiction of the Tribe or the area which its members rely upon for subsistence.

q. To regulate and control the use of natural resources within the area under the jurisdiction of the Tribe or which otherwise affect the health, safety or economic well-being of the Tribe.

r. To employ legal counsel, the choice of counsel, and fixing of fees.

s. To join and/or charter housing authorities.

t. To protect members' rights in personal property.

u. To zone, exercise the power of eminent domain and otherwise regulate all land use within those areas under the jurisdiction of the Tribe.

v. To enact ordinances, procedures and regulations necessary to give effect to any provision of this Constitution and to exercise any power not prohibited by federal law.

Section 4. Omissions. Any rights and powers vested in the Hudotl'eekkaakk'e Tribe but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the Council unless expressly prohibited by this Constitution.

ARTICLE 10 – POWERS RESERVED TO MEMBERSHIP

The following powers are specifically reserved to the qualified voters of the Hudotl'eekkaakk'e Tribe acting through a general tribal membership meeting or a properly called election:

(a) No lands or interests in lands owned by the Tribe may be sold, leased for more than a 5 year period, encumbered or disposed of without the affirmative vote of at least seventy five percent (75%) of the qualified voters.

(b) Nothing in this Article shall prohibit the Tribal Council from establishing and administering a tribal land assignment program as established by ordinance.

ARTICLE 11 – POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The qualified voters of the Tribe shall have the right to propose and repeal ordinances and resolutions not inconsistent with this Constitution, through a valid petition signed by at least fifty percent (50%) of the qualified voters. The petitions shall be submitted to the Tribal Council. The Council shall then call an election to be conducted by the election committee no later than sixty (60) days after receipt of the petition. If the Council fails to act on the petition, the ordinance or resolution may be brought before a Tribal membership meeting. An affirmative vote by a majority of qualified voters at a tribal membership meeting where a quorum has been established, shall be required to adopt or repeal such ordinances or resolutions.

Section 2. Referendum. The Council, by an affirmative vote of at least four (4) of its members, may refer issues to the tribal membership in a tribal election. Such an election shall be conducted by the election committee within sixty (60) days of such Council decision. An affirmative vote by a majority of the eligible voters at a Tribal membership meeting where a quorum is established shall be required to determine the Tribe's position on the issue submitted to a vote, or, a poll with prior notification may be held.

Section 3. Initiative and Referendum Decisions. The decision of the voters in both initiative and referendum elections shall be binding on the Council and the Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE 12 – RIGHTS OF MEMBERS

Tribal members shall have the right to review all tribal records, including financial records during tribal Council office hours in accordance with procedures established by the Tribal Council except in child welfare cases, tribal enrollment applications, litigation, personnel, and confidential issues.

Section 2. Open Tribal Council Meetings. Tribal members have the right to be present at all Council meetings except during executive session of the Council.

Section 3. Indian Civil Rights. The Tribe shall provide to all persons within its jurisdiction the rights guaranteed by the Indian Civil Rights Act of 1968, as amended. In summary, the tribal government shall:

(1) Not prohibit the free exercise of speech, press, religion, or rights of the people to assemble peacefully or file grievances against the Tribal government.

(2) Not allow unreasonable search and seizure or issue search warrants with out probable cause.

(3) Not try anyone for the same offensive twice.

(4) Not make any person testify against himself in a criminal matter.

(5) Not take private property for public use with out paying the owner the fair market value.

(6) Not deny a person the right to a speedy public trial. A speedy trial is generally assumed to be a trial within 90 days or less. The accused person must be informed of the nature of the crime he is accused of, told about the witnesses against him, be allowed to have witnesses testify in his favor and be allowed a lawyer at his own expense.

(7) Not impose excessive bail or fines, nor impose cruel or unusual punishments. Tribal courts cannot impose a penalty greater than $5,000 or one (1) year in jail, or both for any one offense.

(8) Give all persons equal protection under Tribal laws.

(9) Not pronounce anyone guilty of a crime or civil violation without a fair trial. The tribal government shall not pass an ordinance and charge a person with a violation of that ordinance or change penalties, after incident (Ex Post Facto).

(10) Provide anyone accused of an offense punishable by jail time the right to a trial by jury of no less than six (6) persons.

ARTICLE 13 – SOVEREIGN IMMUNITY OF THE HUDOTL'EEKKAAKK'E TRIBE

Nothing in this Constitution shall be deemed or construed to be a waiver of the sovereign immunity of the Hudotl'eekkaakk'e Tribe, which may only be waived by express resolution of the Tribal Council, after receiving an affirmative vote of at least seventy five percent (75%) of the qualified voters, and only to the extent specified in such resolution and permitted by this Constitution and federal law, provided, however, that the Tribal Council shall have the authority to waive the sovereign immunity of the Hudotl'eekkaakk'e tribe solely for the purposes of satisfying the conditions or requirements of Federal or State grants or contracts. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property, or funds, if any subject to the waiver, as well as specific to the court having jurisdiction and applicable law.

Waivers of sovereign immunity of the Tribe shall not be deemed a general consent to the levy of any judgment, lien or attachment uon property of the Tribe other than property specifically pledged, assigned or otherwise explicitly subject to levy in the waiver resolution.

ARTICLE 14 – AMENDMENTS

This Constitution may be amended by a majority vote of the qualified voters of the Hudotl'eekkaakk'e Tribe voting in an election called for that purpose. Notice about the election shall be posted at least two weeks prior to the election in public places in Hughes. The minimum requirement for voter turnout at such an election is forty percent (40%) of those entitled to vote.

ARTICLE 15 – SEVERABILITY

If any provision of this Constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE 16 – SAVINGS

Less inconsistent with this Constitution, all tribal legislation enacted prior to adoption of this Constitution shall remain in effect.

ADOPTION

This Constitution may be adopted by a majority vote of the qualified voters of the Hudotl'eekkaakk'e Tribe voting in an election called for that purpose in which at least forty percent (40%) of the qualified

voters vote. Notice of the election shall be posted in public places in Hughes at least 2 weeks prior to the election.

CERTIFICATE OF ELECTION RESULTS

The attached Constitution of the Hudotl'eekkaakk'e Tribe was submitted to the qualified Tribal voters of the Tribe on October 7, 1997, and was duly (adopted) (rejected) by a vote of 20 for and 1 against the adoption of this Constitution in an election in which at least forty percent (40%) of the qualified Tribal voters entitled to vote cast their ballots.

Names signed on original document:

1. Ella D. Sam, First Chief
2. Jack Ambrose, Second Chief
3. Peter Nicholia, Secretary/Treasurer
4. Gerald Oldman, Member
5. Thelma S. Nicholia Member
6. Lige Ambrose, Member
7. Almira Beatus, Member

CERTIFICATE OF ELECTION RESULTS

The attached Constitution of the Hut'odleekkaakk'et Tribe was submitted to the qualified tribal voters of the Tribe on October 7, 1997, and was duly (adopted) (rejected) by a vote of 20 for and 1 against the adoption of this Constitution in an election in which at least forty percent (40%) of the qualified tribal voters entitled to vote cast their ballots.

Ella D. Sam
First Chief

Jack Ambrose
Second Chief

R.T. Mills
Secretary/Treasurer

Herald Oldman
Member

Elmira Beetus
Member

Thelma D. Nicholia
Member

Lizzie Ambrose
Member

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